

*Buckwald, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTEROCEAN COAL SALES, LDC,

Plaintiff,

v.

EVONIK TRADING, GmbH, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 6/3/2011

Case No.: 11 Civ. 0940 (NRB)

**STIPULATION**

WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on March 29, 2011, Defendant Evonik Industries AG ("Evonik Industries") filed a Motion to Dismiss the Complaint.

WHEREAS on March 30, 2011, Defendant Evonik Degussa Corporation ("Evonik Degussa") filed a Motion to Dismiss the Complaint.

WHEREAS Evonik Degussa and Evonik Industries entered into a stipulation with Plaintiff on April 11, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from April 11, 2011 to May 2, 2011; Evonik Degussa and Evonik Industries entered into a second stipulation with Plaintiff on April 26, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from May 2, 2011 to May 16, 2011; and Evonik Degussa and Evonik Industries entered into a third stipulation with Plaintiff on May 12, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from May 16 to May 31, 2011.

WHEREAS Plaintiff requested, and Evonik Industries and Evonik Degussa consented to, the extensions of time because all parties have entered settlement discussions, have exchanged settlement drafts, and hope to reach an agreement shortly concerning Plaintiff's claims against Evonik Industries and Evonik Degussa.

NOW THEREFORE, Plaintiff, Evonik Degussa and Evonik Industries, through their undersigned counsel, hereby stipulate and agree as follows:

1. Evonik Industries and Evonik Degussa have consented to Plaintiff's request to extend its time to respond to their Motions to Dismiss by fourteen (14) days, up to and including Tuesday, June 14, 2011.

2. In turn, Plaintiff has consented to Evonik Degussa and Evonik Industries' request to extend their time to reply to Plaintiff's answering papers by seven (7) days, up to and including Tuesday, June 28, 2011.

Dated: May 31, 2011  
New York, New York

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So Ordered:

  
U.S.D.J.

6/3/11

